IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

ATJODPUR

ORDER

S.B. Criminal Misc. Petition No.1458/2007
(Viri Devi Vs. Suraj Devi)

Date of Order : 21st September, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Suresh Kumbhat for petitioner.

Heard learned counsel for the petitioner and carefully gone through the impugned order.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 21st May, 2007 passed by the Additional Chief Judicial Magistrate, Bhinmal, District Jalore (for short the `the trial court') whereby the application filed by the accused petitioner under Section 311 Cr.P.C. was dismissed.

From perusal of the impugned order, it appears that a complaint was filed by the respondent against the petitioner under Section 138 of the Negotiable Instrument Act, 1881 (for

short 'the Act'). It was not disputed by the petitioner that the subject matter of the cheque was signed by her and issued in favour of the respondent. The respondent-complainant appeared before the trial court and made statement on oath, she was subjected to cross-examination by the petitioner, however, at the fage end of the trial, an application was moved by the accused petitioner that at the time of cross-examination of the witness-respondent, certain questions could not be put, therefore,witness-respondent-complainant be recalled for further cross-examination. The trial court taking note of the fact that ample opportunity was granted to the petitioner to cross-examine the witness and the witness was cross-examined and, therefore, the said application is in order to delay the disposal of the case and was not found it bonafide and dismissed the application. The complaint case is pending for more than six years and for one or other grounds, the matter have been adjourned.

In my view, the learned trial court was justified in dismissing the application. I find absolutely no ground justifying recalling of the witness for further cross-examination.

The instant criminal misc. petition is, therefore, dismissed.

(H.R. PANWAR), J.

vij

S. B. Criminal Misc. Stay Petition No.893/2007

Date of Order : 25.10.2007

HON'BLE MR. H.R. PANWAR, J.

Mr. Suresh Kumbhat for petitioner.

Since the main petition itself has been dismissed, the stay petition also stands dismissed.

(H.R. PANWAR), J.

vij